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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation  
Against:

Case No. 2013-63

12 **LEONARDO MAZARIEGOS**  
13 13910 Candlewood Drive  
Sylmar, CA 91342

**FIRST AMENDED ACCUSATION**

14 Registered Nurse License No. 582629

15 Respondent.  
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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this First Amended Accusation  
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
21 Department of Consumer Affairs (Board).

22 2. On or about June 29, 2001, the Board issued Registered Nurse License No. 582629 to  
23 Leonardo Mazariegos (Respondent). The Registered Nurse License was in full force and effect at  
24 all times relevant to the charges brought herein and will expire on December 31, 2014, unless  
25 renewed.  
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1 **REGULATORY PROVISION**

2 9. California Code of Regulations, title 16, section 1444 states, in pertinent part:

3 "A conviction or act shall be considered to be substantially related to the qualifications,  
4 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
5 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
6 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

7 "(a) Assaultive or abusive conduct . . . ."

8 **COST RECOVERY**

9 10. Section 125.3 provides that the Board may request the administrative law judge to  
10 direct a licentiate found to have committed a violation or violations of the licensing act to pay a  
11 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Convictions of Substantially Related Crimes)**

14 11. Respondent is subject to disciplinary action under sections 490 and 2761,  
15 subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, in that  
16 Respondent was convicted of crimes substantially related to the qualifications, functions or duties  
17 of a registered nurse which to a substantial degree evidence his present or potential unfitness to  
18 practice in a manner consistent with the public health, safety, or welfare, as follows:

19 a. On or about April 5, 2011, after pleading nolo contendere, Respondent was convicted  
20 of two (2) interlineated misdemeanor counts, Counts 3 and 4, of violating Penal Code section  
21 415(2) [disturbing the peace] in the criminal proceeding entitled *the People of the State of*  
22 *California v. Leonardo Mazariegos* (Super. Ct. Los Angeles Count, 2010, No. 0SR05853). The  
23 Court sentenced Respondent to 30 days in jail, and in lieu of jail, ordered him to complete 18  
24 days of Cal Trans, placed him on 36 months probation, ordered him to complete a 52 weeks  
25 domestic violence program. In addition, the Court issued to Respondent a protective order.

26 b. The circumstances underlying the conviction are that on or about December 21, 2010,  
27 Respondent in an accusatory jealous rage struck his wife, twice in the face with closed fist, then,  
28 on the next day, December 22, 2010, told his wife that she was to resign from her job and he

1 drove his wife to her employment to resign while he waited in the car. As Respondent's wife was  
2 in fear for her life, she directed her employer to contact police on her behalf. Respondent was  
3 arrested.

4 c. On or about August 2, 2011, Respondent was convicted of one (1) misdemeanor  
5 count of violating Penal Code section 166, subdivision (c) (1) [willful violation of a  
6 protective\stay away order] in a criminal proceeding entitled *the People of the State of California*  
7 *v. Leonardo Mazariegos* (Super. Ct. Los Angeles Count, 2011, No. 1SR02420). As a result of the  
8 conviction, the Court sentenced Respondent to 20 days in jail, and in lieu of jail, ordered him to  
9 complete 10 days of Community Labor, placed him on 36 months probation and ordered him to  
10 complete a 52 week domestic violence treatment program as well as obey the protective orders  
11 issued in this or any other case.

12 d. The circumstances underlying the conviction are that on or about April 8, 2011,  
13 Respondent violated a protective order and stay away court order issued pursuant to section 136.2  
14 of the Penal Code in a pending criminal proceeding involving domestic violence.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct)**

17 12. Respondent is subject to disciplinary action under section 2761, subdivision (a), in  
18 that Respondent committed acts of unprofessional conduct. Complainant refers to and by this  
19 reference incorporates the allegations set forth above in paragraph 11, subparagraphs a through d  
20 inclusive, as though set forth fully.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
23 and that following the hearing, the Board of Registered Nursing issue a decision:

24 1. Revoking or suspending Registered Nurse License No. 582629, issued to Leonardo  
25 Mazariegos;

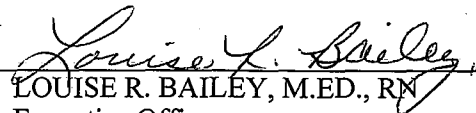
26 2. Ordering Leonardo Mazariegos to pay the Board the reasonable costs of the  
27 investigation and enforcement of this case, pursuant to section 125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: APRIL 26, 2013

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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